

*

UMASS/AMHERST

*



312066 0272 9278 7

55. GC6.1/2: 989

✓

THE HOUSE: 1989

A SUMMARY OF LEGISLATIVE ACTIONS

GOVERNMENT DOCUMENTS
COLLECTION

SEP 20 1990

University of Massachusetts
Depository Copy

From the Office of

SPEAKER GEORGE KEVERIAN

Massachusetts House of Representatives

As we enter the decade of the 90's, the Legislature is facing an era unique to Massachusetts government. There is an increasing call for government to provide the programs and resources to meet the demands of a more technologically advanced society, while continuing to provide for those most vulnerable. On the other hand, there is a concomitant but persistent opposition to providing the revenue to support these monumental efforts.

In the 90's, state government will have to assume an even greater role than in the past if we are to provide educational opportunities, assure pure water and a clean environment, provide for the expanding elderly population, rebuild our infrastructure, continue the state's commitment to its cities and towns and maintain a strong public safety and criminal justice system.

But, I believe during the past five years we have adopted laws that provide a solid foundation from which to meet these challenges. While in 1989 we faced a widening revenue shortfall, this Legislature enacted new laws that will have a major, lasting and positive impact on our state.

In 1989, the Legislature addressed toxic and hazardous waste, Cape Cod regional development, affordable housing, corporate take-overs and budgetary issues. These are solid achievements for which we can all be justifiably proud.

A stylized, handwritten signature in dark ink that reads "George Keverian". The script is fluid and cursive, with a large, sweeping initial 'G'.

GEORGE KEVERIAN
Speaker



Digitized by the Internet Archive
in 2013

<http://archive.org/details/housesummaryofle1989mass>

CONTENTS
1989 LEGISLATION

INTRODUCTION:

THE HOUSE OF REPRESENTATIVES	1
------------------------------	---

LEGISLATIVE SESSION STATISTICS	3
--------------------------------	---

<u>MAJOR LEGISLATIVE ACHIEVEMENTS</u>	4
---------------------------------------	---

* The Budget Control and Reform Act	4
* The Reduced Use of Toxic and Hazardous Substances	6
* Financing Water Pollution Abatement Projects	7
* M.H.F.A. - Affordable Housing	8
* Corporate Takeovers and the Massachusetts Economy	11
* The Massachusetts Ocean Sanctuaries Act	11
* Voter Registration	13
* School Building Assistance Bonding	13
* Drug Free School Zones	14
* Age Requirements for Police Officers and Firefighters	14
* The Cape Cod Commission Act	14
* Banning the Possession of Assault Weapons in Boston	15
* Boston University and Chelsea: School Contract	16

IMPORTANT NEW LAWS

Banking	17
Business	17
Children	19
Cities and Towns	20
Consumer Protection	23
Criminal Justice/Penalties	25
Education	28
Elderly	30
Elections	32
Environment	33
Government/Management	35, 36
Handicapped	37
Health	37
Insurance	38
Miscellaneous	39
Public Safety	41
Taxation	43

THE HOUSE OF REPRESENTATIVES

Legislative spending (House and Joint Financial Accounts) in Fiscal Years 89 and 90 has been reduced by more than 11%. Through a series of budget cutting actions that date back to December, 1988, a total of \$4,352,537 has been cut from the FY'89 appropriation for these accounts. It is important to note that every type of legislative expenditure has come under close scrutiny and has been subsequently reduced or eliminated. For instance, all House out-of-state and in-state travel has been eliminated; the purchases of special supplies, equipment and office furnishings have been reduced; paid House internships have been eliminated; maintenance contracts pared back; a reduction of telephone equipment and telecommunications service; a scaling back of television coverage of the House; a substantial reduction in the salary reserve of the House and Joint Legislative Accounts including Sergeant-at-Arms, legislative engrossing, the document room, joint clerical, contingent expenses, upkeep of the roll call machine, joint printing of bills, the Bulletin, and manuals of the General Court; the elimination of membership fees related to legislative associations; and the termination of all joint legislative study commission funds, which led to the layoff of twenty-eight (28) staff persons. In addition, the Court Officer force is being cut by 16 positions.

These cutbacks will significantly reduce the total operating base of the Legislature. Moreover, since assuming the Speakership in 1985, Speaker Keverian has instituted a number of administrative and system changes that have led to tighter financial controls and substantial cost savings. In March of 1987 Speaker Keverian directed the deployment of a new financial management information system for the House that is based on competitive bidding and in compliance with generally accepted accounting principles. These actions have standardized the procurement of goods and services and maximized the use of budgetary controls, systematic reconciliations, improved record keeping and strengthened internal controls of the House of Representatives.

In summary, the House has realistically downsized its total operations by 11% during a period when total state spending has spiraled at 8%. The total FY'90 budget for the House of Representatives amounts to less than one-half of one percent of the total state budget.

Given our mandate under the Constitution, it is evident that we have contributed to reducing the fiscal crisis within the proportions of our budgetary and institutional framework on the whole.

It is our intent to remain vigilant and to reduce expenditures, control costs and eliminate waste and consolidate operations where possible.

Update to 2/28/90

1989
HOUSE OF REPRESENTATIVES
Legislative Statistics

TOTAL BILLS

House:	6579
Senate:	2016
Total:	8595

TOTAL CHAPTERS

Acts:	731
Resolves:	4

TOTAL ROLL CALLS: 683

TOTAL BILLS PASSED TO BE ENGROSSED BY THE HOUSE: 961

1989

MAJOR LEGISLATIVE ACHIEVEMENTS

THE BUDGET CONTROL AND REFORM ACT
CHAPTER 653

This major legislative achievement is expected to reduce the projected 1990 state budget deficit by approximately \$298 million dollars. It provides for hundreds of line-item reductions, program savings and certain non-tax revenues.

HIGHLIGHTS OF THE NEW LAW

- * Calls for the work force to be reduced by 5000 employees
- * Consolidates the administration and operation of the M.D.C., Capitol and Registry Police functions under the Department of Public Safety
- * Restructures the Executive Branch
- * Institutes a 90/10 health care cost plan for state workers
- * Reforms the budgetary procedures of the M.B.T.A.
- * Makes Medicaid savings
- * Provides local governments a \$4 million dollar FY'90 and a \$125 million dollar FY'91 financial benefit
- * Improves Court Management
 - Aids in centralizing court management by authorizing the Judicial Branch to transfer funds between line-items
- * Cuts funding in all administrative accounts including the Legislature, Constitutional Offices and the Judiciary

* Maintains Important Human Service Programs:

- Home Care for the elderly
- Direct services in the Departments of Mental Health, Mental Retardation, Public Health and Social Services
- Handicapped Programs
- Day Care
- Children's Programs

* Municipalities:

- Requires the community which budgets for the cost of a residential placement of a special needs student to fund those costs for the entire school year even if the student moves to another community in Massachusetts.
- Requires the Rate Setting Commission to set the rates for residential schools for special needs students in February for the school year beginning in September. Also eliminates retroactive rates.
- Allows communities to issue tax notices on a quarterly basis.
- Allows cities and towns to change the assessment dates for new growth.
- Allows state and local prosecutors to seize and sell the property of convicted drug dealers.

This law is a significant attempt to direct state resources toward those programs for the most vulnerable, assist municipal government management while reducing the administrative costs of government in general.

PROMOTING THE REDUCED USE OF TOXIC AND HAZARDOUS SUBSTANCES
CHAPTER 265

Establishes a comprehensive program to reduce the use of toxic and hazardous substances as well as the amount of such waste generated by industry in the Commonwealth. The law would statutorily establish a goal of reducing the use of toxic and hazardous substances by 50% over the 1987 levels of use. Additionally, the law would establish new state agencies to guide these endeavors, a toxics use reduction fund, technical assistance plus research and development programs, industrial planning requirements, and toxic use reporting requirements. More specifically, the law would create:

- expanded D.E.P. responsibilities in coordinating and implementing source reduction activities;
- an Administrative Council on Toxics Use Reduction to make annual policy recommendations as well as to standardize and streamline reporting requirements;
- an advisory board on toxics use reduction to make recommendations to the Council relative to implementing this law;
- a Toxics Use Reduction Institute at the University of Lowell;
- an Office of Toxics Use Reduction Assistance and Technology within EOEA to provide technical assistance to users and generators and to augment private sector involvement in source reduction activities;
- provisions to protect industrial trade secrets;
- annual toxic or hazardous substances inventories and biennial toxic use reduction plans;
- toxic use reduction fees to raise between four and five and one-half million dollars annually to fund activities under this law; and
- extensive citizen involvement activities.

FINANCING WATER POLLUTION ABATEMENT PROJECTS
CHAPTER 275

Creates a revolving loan program to finance the construction of wastewater treatment facilities and water pollution abatement projects. The law provides:

- \$900 million for the Water Pollution Abatement Revolving Loan Fund:
 - * \$75 million as required to match federal capitalization grants for the SRF.
 - * \$125 million for loans to local governments to fund water pollution abatement projects and to provide for interest costs on loans made by the SRF during construction projects. Monies could additionally be used to cover certain administrative expenses by DEP.
 - * \$700 million to provide subsidies to local governments on loan interest costs for loans made by the SRF, and to create a reserve in the case local governments default on loans.
- \$430 million for DEP grants to local governments for water pollution abatement projects:
 - * \$320 million to provide supplemental grants based on a financial hardship scale which DEP and the Secretary of Administration and Finance will develop.
 - * \$18 million for projects on the FY 1988 federal construction grant priority list that received a federal grant, but no state grant. Together with the federal grant, the total assistance equals 90% of eligible costs.
 - * \$60 million for projects on the fundable portion of the FY 1988/1989 federal construction priority lists. Total assistance available equals 75% of the eligible costs.
 - * \$32 million for the costs of planning and design. Total assistance available will not exceed 75% of the eligible costs.

- \$100 million in loan and grant funds to local governments for water treatment facility projects:
 - * \$80 million for loans on water treatment facility projects.
 - * \$20 million for grants to be applied to the reduction of the balance on loans to local governments for water treatment facility projects.

In addition to other programs under this law, a Watershed Preservation Restriction Program is established to protect the water supply areas of the Commonwealth. (The program would be administered in a manner similar to the Commonwealth's Agricultural Preservation Restriction Program). \$20 million in additional bond funding is made available for the Watershed Preservation Restriction Program under this law.

MASSACHUSETTS HOUSING FINANCE AGENCY - AFFORDABLE HOUSING CHAPTER 679

Allows the M.H.F.A. to address three major areas of concern with respect to affordable housing without creating any financial obligations on the part of the Commonwealth.

The first area of concern is the preservation of "expiring use" units which were built under federal programs some twenty years ago. The second critical issue is the continuation of single family first time homebuyer programs and the third issue is an effective response to the impacts of ongoing federal tax reforms.

EXPIRING USE UNITS

In Massachusetts there are approximately 30,000 units that are at risk of losing their use restrictions that were a requirement of federal funding twenty years ago. The units had to remain affordable for the life of the mortgage, but owners were given the option of prepaying their mortgages after twenty years, thereby lifting the affordable restrictions. The amendments will:

- allow M.H.F.A. to refinance expiring use projects to extend current ownership and tenancy
- permit loans for acquisition of expiring use units without the need for rehabilitation (many developments do not need rehabilitation)
- allow non-first mortgage loans to aid in financing
- permit Agency restricted units upon foreclosure to be retained to protect low and moderate income residents
- allow M.H.F.A. to use income from purchase of GNMA mortgages to assist low and moderate income residents
- give M.H.F.A. the flexibility to maintain low income units in perpetuity but allow market rate units to be converted
- establish subsidiary corporations to preserve Section 236 federal subsidies in the event of foreclosure

FIRST TIME HOMEBUYER PROGRAMS

Strengthens the Agency's ability to continue its single family first time homebuyer programs. Single family home prices in Massachusetts are among the highest in the nation and without programs to write down the cost of homeownership, many residents, especially critical municipal employees, will never be able to own their home.

Primary mortgage insurance (PMI) is a major obstacle for the Agency in its efforts to continue to offer reduced interest rate mortgages. The PMI industry has become increasingly costly and the underwriting standards have become more stringent, requiring insurance on loans where down payments are less than 25%. Amendments to the MHFA statute would allow the Agency to establish subsidiary corporations to administer a mortgage insurance program for all Agency programs. This would enable MHFA to reduce the cost of PMI to first time homebuyers and make entering the ownership market less costly. The Agency already has the ability to insure multi-family developments.

The single family programs would authorize the Agency to:

- have the explicit authority to conduct and insure a single family home mortgage purchase program
- create cooperatives within the SHARP program and clarify the form of security for cooperative loans
- establish a PMI alternative for single family homeownership programs
- make construction loans for single family homeownership programs

FEDERAL TAX LAW CHANGES

Federal tax reforms since 1986 have eliminated most of the incentives which Congress previously provided to stimulate the participation of the private sector, both developers and investors, in the production of low and moderate income housing. In addition, one of the last available incentives, the low income housing tax credit, is scheduled to expire at the end of this year.

This law permits the MHFA to:

- continue to participate in affordable programs using taxable bonds and other mortgage programs, in the event of a federal sunset of all single family programs
- clarify the Agency's ability to participate in the federal mortgage credit certificate program which allows qualified homebuyers to utilize a federal income tax credit to write down the mortgage costs
- allow a 10% dividend for owners of multi-family projects which is more consistent with the market place and helps to offset the effects of federal tax reform
- allows for recognition of owner's equity to be based on value rather than cost to reflect increases in real estate value and a periodic recomputation of equity as a disincentive to prepay use-restricted mortgages
- recognize increased equity in HUD acquired mortgages as an incentive to refinance with the Agency and extend the use restrictions
- permit Chapter 121A projects to increase allowable distributions, set by HUD or MHFA and approved by EOCD to avoid paying more in taxes than the original intent of the program,

CORPORATE TAKEOVERS AND THE COMPETITIVENESS OF THE MASSACHUSETTS
ECONOMY
CHAPTER 242

Makes major changes to the state's corporate and labor law in order to enhance the competitiveness of Massachusetts business. It provides for:

- a business combination law,
- the assumption of collective bargaining agreements following a business combination,
- severance pay for displaced workers following a transfer of control,
- giving directors of corporations explicit authority to adopt shareholder rights plans,
- increasing the percentage of stockholders needed to call a special meeting of the board of directors,
- allowing directors to consider the interests of employees, creditors, suppliers, customers and the community in rejecting or accepting a takeover offer.

THE MASSACHUSETTS OCEAN SANCTUARIES ACT
CHAPTER 728

This law provides an administrative process within the Department of Environmental Management (DEM) for the review and approval of variances to prohibitions on wastewater discharge levels within ocean sanctuaries. The Commonwealth ocean sanctuaries encompass marine waters from the New Hampshire border south to Swampscott, and from Marshfield south to the border of Rhode Island, including all waters around Cape Cod. Variances, under this act, will only be granted with controlled conditions specifically designed to protect the coastal and marine environment. Prior to this law, an increase in the volume of effluent from municipal wastewater treatment plants would be prohibited, even if the contents were an improvement over the previous discharge. This law, for example, provides an option for those municipalities which are required under the federal Clean Water Act to upgrade treatment, and with that, need to increase the amount of discharged wastewater into ocean sanctuaries. To safeguard the coastal and marine environment, a variance may be granted only when the following prerequisites are met:

- the proposed discharge is the only feasible alternative;
- the proposed discharge shall be consistent with the intent and purpose of the Ocean Sanctuaries Act;
- a plan requiring pretreatment of all commercial and industrial wastes in the municipal system has been adopted and implemented;
- a program for water conservation has been adopted and implemented;
- a plan to control inflow and infiltration has been adopted and implemented;
- a plan to control combined sewer overflows has been adopted and implemented;
- a plan to review and control growth and connections to the municipal system has been adopted and implemented;
- the quality or quantity of water supplies is not significantly affected;
- the proposed discharge is treated to a secondary level;
- the proposed discharge is consistent with the Massachusetts Coastal Zone Management program;
- the proposed discharge and treatment plant are consistent with all applicable laws; and
- the proposed discharge and outfall structure will not adversely impact marine fisheries.

No new discharges are allowed under this law.

VOTER REGISTRATION
CHAPTER 567

The passage of this law is a landmark victory for voter registration reform in the Commonwealth. With few exceptions, persons desiring to register to vote have heretofore been required to appear in person in the clerk's office of their city or town of residence during business hours. This law will permit citizens of the Commonwealth to register to vote at any clerk's office or voter registration session held in any city or town. The completed affidavits of registration will be returned to the voter's city or town of residence to be used in preparing voting lists. This law will prove particularly beneficial for persons who work at a distance from their residence or who have little flexibility in their work schedules.

SCHOOL BUILDING ASSISTANCE BONDING
CHAPTER 224

This law allows virtually equal principal and interest payments over the term of a bond issue to finance approved school construction, and for less interest expense in the later years of a bond issue.

The major effects are:

- it may allow some communities to avoid seeking an override of Proposition 2 1/2 in order to finance a school construction project
- requiring equal principal and interest payments over the life of a bond will assist communities in their long-range fiscal planning, since there will be predictable payments over the term of the bond

DRUG-FREE SCHOOL ZONES
CHAPTER 227

Provides for an additional two year penalty for anyone convicted of selling drugs on or within 1,000 feet of a school grounds.

REGULATING THE AGE REQUIREMENTS OF POLICE OFFICERS AND
FIREFIGHTERS
CHAPTER 311

Provides for a major change in the civil service laws as they relate to the appointment of public safety employees. This law eliminates the maximum age requirements for examination for or appointment to the position of a Registry Examiner, Correction Officer, and M.B.T.A., M.D.C., and Capitol police officers, positions for which the state instituted pre-employment fitness standards in January of 1988. It also eliminates the maximum age requirement to take a civil service examination for appointment to the position of municipal police officer or municipal firefighter, but requires that candidates for appointment to local police and fire positions who are 32 years old or over have their names certified only to cities and towns that have accepted the state-established pre-employment and in-service physical fitness and health standards for their police and fire forces.

THE CAPE COD COMMISSION ACT
CHAPTER 716

For the first time in state government history, a progressive regional land use authority was established with specific powers and duties to control future development in the environmentally sensitive and scenic Cape Cod area.

This ambitious law created a regional land use planning and regulatory body. The Cape Cod Commission is empowered to prepare a region-wide master plan, recommend sensitive areas of critical environmental concern and regulate developments with a regional impact.

BANNING THE POSSESSION OF ASSAULT WEAPONS IN BOSTON
CHAPTER 596

Prevents the sale, possession or transfer of military type semi-automatic rifles and shotguns in Boston.

The new law bans the purchase and possession of specific military-type assault weapons and others using large capacity ammunition in belts or magazines. The weapons include:

- Avtomat Kalishnikov or AK-47 rifle;
- Uzi semi-automatic rifle;
- FN-FL and FN-FNC semi-automatic rifle;
- Steyr Aug semi-automatic rifle;
- SKS semi-automatic rifle;
- all shotguns with revolving cylinders;
- semi-automatic rifles with fixed magazine capacities of more than 10 rounds or any other shotgun with a fixed magazine, cylinder, drum or tube capacity exceeding six rounds;
- semi-automatic rifles or shotguns which have been modified to have a shorter barrel.

Anyone found in possession of one of the banned rifles faces a \$1,000 fine for a first offense and up to two and one-half years in jail for a second offense. Illegal possession of magazines or ammunition belts for those weapons carries a first offense fine of \$200 and a second offense fine of \$500.

Law enforcement officers, U.S. Armed Forces and licensed carriers on sporting or shooting range properties and those travelling through Boston with proper Firearm Identification Cards are exempt from the law.

BOSTON UNIVERSITY AND CHELSEA SCHOOL ADMINISTRATION CONTRACT
CHAPTER 133

An innovative first for Massachusetts, this law permits the City of Chelsea to enter into a contract with Boston University to administer the City's public schools. This issue drew national attention because it is the only such proposal in the country, and provides a model for this experimental educational concept.

IMPORTANT NEW LAWS

BANKING

CHAPTER 181

CREDIT CARD FINANCE CHARGES

Requires that no finance charge, whatever the amount, shall begin to accrue until the date on which the payment has been made by the creditor, not the transaction date.

CHAPTER 222

BRANCH BANK CLOSINGS OR RELOCATIONS

Bank Commissioner must determine that the area served by any branch/depot proposed to be closed or relocated will not be adversely effected.

This determination is based on the availability of credit in the area.

CHAPTER 412

RETAIL SALES AGREEMENT DISCLOSURE PENALTIES

Makes the creditor liable to the buyer for failing to disclose required information.

The penalty is equal to twice the finance charge, but not less than \$500.

BUSINESS

CHAPTER 87

SANITARY CONDITIONS ON RAILROADS

Requires every railroad corporation which operates a railroad in the Commonwealth to:

- (1) equip each locomotive used for transportation and occupation by railroad crewmen with pure refrigerated water and individual, disposable cups;

- (2) maintain the toilet facilities in locomotives or cabooses in a working and sanitary condition; and
- (3) ensure that each toilet facility provide privacy to the person using such facility.

"Sanitary condition" shall mean good order and cleanliness which precludes the reasonable probability of disease transmission.

CHAPTER 280

PROTECTING BUSINESS TRADE SECRETS

Gives the Department of Public Utilities the authority to protect trade secrets and confidential records of the telecommunications industry.

CHAPTER 444

"GREENHOUSE" LOCAL TAXATION

Expands the property tax exemption for greenhouses used for the production of agriculture, horticulture and aquaculture products, to those which are not stationary.

CHAPTER 497

PROTECTING FARM OPERATIONS

Prohibits actions of nuisance from being brought against any farmer, who has been in operation for more than one year, for any aspect of his agricultural and farming operations which are considered to be a generally accepted facet of such farming activity.

CHAPTER 558

EXEMPTION FROM UNIVERSAL HEALTH CARE LAW

Exempts non-degree granting private career schools from the Universal Health Care Law requirement that every full-time and part-time student enrolled in a public or independent institution of higher education shall participate in a health insurance program.

CHAPTER 659

ESTABLISHING LIENS FOR WORK PERFORMED

Provides that a person who is paid for work on a painting, photograph or other personal property shall have a lien upon such property for any amount that may be due. A receipt stating that the item must be claimed within one year or it may be subject to sale shall also be included.

CHAPTER 688

SMALL BUSINESS RULES AND REGULATIONS

Requires all state agencies to assess the impact of proposed regulations on small business before such rules are promulgated. In addition, a "table of contents" and a summary of whether small business would be impacted would be published as part of the Massachusetts Register. On a biannual basis the Register would contain an "Early Warning System" for forecasting upcoming regulations.

CHAPTER 690

LIQUOR RETAIL ADVERTISING

Allows unregulated advertising of alcoholic beverages when licensees jointly or cooperatively advertise product prices, provided that the number of licensed participants does not exceed seven.

CHILDREN

CHAPTER 396

DISCLOSURE OF CHILD ABUSE AND NEGLECT

Prohibits an employer of a mandated reporter of child abuse information from discharging, discriminating or retaliating against said individual if he/she provides information in good faith.

CHAPTER 689

SHARED CUSTODY OF CHILDREN

Clearly defines the law relative to sole legal custody, shared legal custody, sole physical custody, and shared physical custody. It also establishes a standard to determine whether shared legal custody would not be in the best interest of the child and establishes a shared custody implementation plan.

CITIES AND TOWNS

CHAPTER 162

FORFEITED DRUG FUNDS

Authorizes local law enforcement agencies to access forfeited drug funds in order to conduct covert investigations. Current municipal finance laws have no method of keeping this kind of activity secret.

CHAPTER 171

ASBESTOS REMOVAL

Permits communities to borrow funds for up to 10 years for the removal of asbestos from municipal buildings.

CHAPTER 213

ABANDONED MOTOR VEHICLES

This local option law decriminalizes the abandonment of motor vehicles and sets up a process whereby:

- abandoned vehicles are tagged and towed
- owners are notified and required to dispose of the vehicles properly.

CHAPTER 218

REGULATING RECORDING OF CONSERVATION COMMISSION ORDERS

Expands the current procedures under which conservation commissions issue work orders for project proposals that fall in areas under the jurisdiction of the state Wetlands Protection Act. Specifically, this law requires that no work permitted under the Wetlands Protection Act be undertaken until the project plan, referred to in the order of condition, is recorded in the registry of deeds or in the registry section of the land court, as required by a conservation commission or the Department of Environmental Protection. Prior to this law, only the order of condition, determination or notification was required to be recorded. The intent of this additional provision is to make more complete information available in the examination of title.

CHAPTER 239

PLANNING BOARD ASSOCIATE MEMBER

Establishes a process for communities whose Planning Board is also a special permit granting authority to elect or appoint associate members. It helps to correct a problem created by the state's stringent conflict of interest law. In order to comply with the law many small towns with part-time boards did not have the membership to act on applications for special permits.

CHAPTER 253

ESTABLISHING A DRINKING WATER PROTECTION FUND

Authorizes two or more municipalities, which share a common drinking water resource, to establish a Drinking Water Protection District. In addition, a Drinking Water Protection Commission may be established consisting of two members from each participating municipality.

For the protection of water resources, this law further authorizes all cities and towns within the district to adopt a pricing system in order to charge user fees. The user fees will be administered by the Drinking Water Protection Commission of each district to provide services such as technical assistance for long-term land use management efforts, funds to acquire land important to water resource protection, the identification and protection of recharge and watershed areas, and assistance to supplement local emergency response systems. Both public and private water supplies apply under this act.

CHAPTER 312

EMERGENCY MEDICAL TECHNICIANS BENEFITS

Secures for emergency medical technicians (EMT's) in municipalities that accept the provisions of the act, the municipality's payment of or reimbursement for bills for hospital, medical and related expenses incurred as the result of an accident occurring while acting in the line of duty.

CHAPTER 492

WATER CONSERVATION

This law prohibits the establishment of water rates based on a descending unit rate basis. It is intended to encourage large users to make water conservation a priority item.

CHAPTER 590

FARM STANDS

Continues the state practice of encouraging this type of commerce by protecting farm stands from restrictive local zoning requirements. In order to remain eligible for this protection a farm stand is now required to sell a majority of goods produced directly on the farm only during the months of June, July, August and September.

Authorizes town collectors to enter into agreements for collection services for unpaid municipal taxes. It excludes property taxes.

If a town collector utilizes these services, no agreement shall be made unless it is published. The collector may reject all bids but if accepted must accept the lowest bid unless the collector specifies the reasons in writing.

The law raises various collector's fees:

Issuance and delivery of warrants - \$2 to \$5.

Notice by mail to the delinquent that warrant has been delinquent - \$7 to \$9.

Exhibiting a warrant to collect or deliver a copy to delinquent - \$12 to \$14.

CONSUMER PROTECTION

Requires a licensed plumber or gas fitter acting in the capacity of a self-employed contractor to provide proof of liability insurance in order to obtain a permit from a city or town, provided however, in lieu of such proof, plumbing inspectors shall accept the signature of the owner/agent on the uniform application for a permit to perform plumbing or gas work.

CHAPTER 267

STORAGE CHARGES FOR TOWED VEHICLES

Allows the D.P.U. to establish the maximum charges for towing - during snow removal when ordered by the police, or for illegally parked vehicles. The maximum charge for storage is \$20.00 per twenty-four hour period. Further clarifies the lien law for charges due the storage facility. Any lien may be enforced under the sale provisions of Chapter 255.

CHAPTER 508

DAMAGES UNDER THE CONSUMER PROTECTION ACT

Clarifys confusion over the awarding of treble damages in consumer protection cases by stating that the final award in such cases is to be only the judgement multiplied by three.

CHAPTER 522

CAREER SCHOOLS BONDING REQUIREMENTS

This law changes the bonding requirements for private correspondence, private business and private trade schools. Under the current law these schools can only be licensed if they possess a surety bond. This new law adds two additional methods of indemnification while continuing to safeguard students.

CHAPTER 532

REQUIRING RACING WAGERS BE MADE IN CASH

Requires that all racing wagers must be made in cash. No credit can be extended.

CHAPTER 698

LIMITING INCREASES IN PUBLIC UTILITY RATES

Requires the Department of Public Utilities to phase in electric rates charged by the Commonwealth Electric Company, which would result in any rate payers paying in excess of five percent more than the previous year's rate over a period of six years.

CHAPTER 723

INSURANCE BENEFICIARY CHANGES

Requires that no life insurance company shall accept or take action on any written request to change the designation of beneficiary unless the signature of the person requesting the change is witnessed by a disinterested person.

CHAPTER 726

REGULATING MOTOR VEHICLE REPAIRS

Requires auto body repair estimates to include a disclosure notice whenever replacement parts are specified which are not from the original manufacturer. The notice states that warranties on these parts are not provided by the vehicles' manufacturer.

CRIMINAL JUSTICE/PENALTIES

CHAPTER 163

ABANDONING MARINE VESSELS

Increases the fine for abandoning any vessel in a waterway to a maximum of \$10,000.

CHAPTER 193

NEW JAIL CONSTRUCTION

Doubles the deed excise tax in all counties except Barnstable. 85% of the new revenue goes directly to the counties to be used for debt service, jail and sheriff departments, county operations and registry of deeds modernization.

CHAPTER 314

UNINSURED MOTOR VEHICLES

Allows police to ticket uninsured motor vehicles which remain on public ways. The penalty is a \$300 - \$1,500 fine, 1 year in jail or both.

CHAPTER 241

LICENSE SUSPENSION - CONTROLLED SUBSTANCE VIOLATION

Requires the Registrar to suspend for a period not exceeding five years the license of any person who is convicted of a violation of the Controlled Substances Act.

In addition, any person who is under 18 and is not licensed, shall at the discretion of the presiding judge, not be licensed until the age of 21.

CHAPTER 322

MISUSE OF DRIVERS LICENSES AND IDENTIFICATION CARDS

Permits the Registrar to suspend the license and certificate of registration of any person for up to six months whenever he has "reason to believe" that such person has misused, altered, defaced or transferred their identification. It also creates a misdemeanor offense for a forgery or misuse of a license.

CHAPTER 334

DEFRAUDING INSURERS

Establishes a minimum one year penalty for any person convicted of concealing a motor vehicle so as to defraud an insurer.

CHAPTER 360

VIOLATIONS OF THE SCENIC ROADS ACT

Provides for a fine of up to \$300 for a violation of the Scenic Roads Act. It applies to those who cut down trees or remove stone walls that are part of a designated scenic road.

CHAPTER 363

WRITTEN FINDINGS FOR NON-INCARCERATION

This law requires a judge who does not impose incarceration for a defendant convicted of a crime against a person to make written findings as to the reason for non-incarceration.

CHAPTER 432

TENDERING CHECKS WITH INSUFFICIENT FUNDS

The penalty for issuing a bad check when paying taxes or interest is 1% of the amount of the check or not less than \$25.00.

CHAPTER 490

BREAKING AND ENTERING OF A MOTOR VEHICLE

Makes it a felony to break and enter a vehicle in the daytime. The penalty is set at up to 10 years in state prison, a jail sentence of up to two years, and a fine of not more than \$500.

CHAPTER 513

POLICE OR FIRE SIGNALS

Increases the fine for tampering with a police or fire signal system. The fine is \$500 - \$2000.

CHAPTER 534

ANIMAL ABUSE

Anyone convicted of killing, maiming or disfiguring an animal is subject to a penalty of not more than 5 years in state prison, or not more than 1 year in jail or a \$1000 fine.

EDUCATION

CHAPTER 95

AMERICAN SIGN LANGUAGE

Allows A.S.L. to be taught in the public schools. A school committee may credit courses in A.S.L. toward satisfaction of foreign language requirements.

CHAPTER 144

MISSING CHILDRENS' RECORDS

Requires schools (public or private), upon notification from law enforcement authorities to flag the student record of a missing child and notify authorities if the record is ever requested or if the school has knowledge as to the whereabouts of the child.

CHAPTER 232

SCHOOL BUILDING CONSTRUCTION

The law re-establishes the authority of communities to start construction of a school in anticipation of Board of Education approval. It further provides that said community will not have any right of preference for SBA funds if it chooses to begin construction without project approval.

CHAPTER 365

SCHOOL PROJECTS FUNDED BY FARMERS HOME ADMINISTRATION

Allows regional school districts to incur debt to the same extent as cities and towns for projects supported by the Farmers Home Administration.

CHAPTER 467

REGIONALLY CERTIFIED TEACHERS

Exempts "regionally" certified teachers from the normal requirements of the Massachusetts certification process. A "regionally certified teacher" is a teacher certification applicant who has a regional license or certification from another state.

CHAPTER 655

COLLEGE SAVINGS PROGRAM

This law transforms the Massachusetts Education Loan Authority (MELA) into the Massachusetts Educational Financing Authority and expands the Authority's powers to include development and administration of one or more savings programs. To the extent practicable, such program (s) is to give parents (and others) a convenient way to save, even relatively small amounts of money at a time, for their child's college education.

A College Opportunity Program envisions the issuance of Commonwealth bonds which will bear interest at a variable rate determined by reference to a financial index reflecting inflation in costs of attendance at higher education institutions. The Authority will enter into agreements with public and private higher education institutions to ensure that tuitions charged to bond beneficiaries do not rise at a rate greater than the return on the bonds. If feasible, the Authority will negotiate reciprocal agreements with other governmental entities with similar college savings plans, in order to allow program beneficiaries to choose from the widest possible range of colleges and to allow Massachusetts colleges to benefit from participation in other governmental entities' college savings programs.

CHAPTER 706

LEASING SCHOOL PROPERTY

Any city or town, with the approval of the school committee, can now rent or lease a school building or part thereof not in actual use for educational purposes. The school committee has the authority to stipulate the terms of the lease.

ELDERLY

CHAPTER 151

ALLOWING PETS IN PUBLIC HOUSING

Allows elderly and handicapped residents of public housing, through a waiver program, to own pets. Nothing in this law constitutes a right of pet ownership, but rather a privilege granted to the tenant by the management and E.O.C.D. for responsible pet ownership and may be revoked for just cause.

CHAPTER 172

MEDEX COVERAGE

Requires Blue Cross/Blue Shield to allow an individual to become eligible for Medex Coverage 90 days prior to the date of retirement. The individual also must be Medicare eligible.

CHAPTERS 240/653

STATE BUDGET

ELDERLY PROGRAMS \$128,900,175

- Home Care Program

\$78,023,106

Serves 40,000 clients

- Respite Care

Serves 1,250 clients

- Home Health Services

Serves 550 clients

- Local Services
\$6,696,128
Elder lunch, retired senior volunteer,
foster grandparents, senior companion
programs and Councils on Aging.
- Congregate Housing Program
\$839,322

CHAPTER 458

REGULATING THE RECEIVERSHIP OF NURSING HOMES

Permits the Rate Setting Commission to grant rate relief to nursing homes in receivership when a quick infusion of funds are needed to restore the quality of patient care.

CHAPTER 475

HOMESTEAD PROTECTION

Any individual who is sixty-five years or older or who is disabled may file at the Registry of Deeds for Homestead Protection against attachment, seizure or execution of judgement up to \$200,000. The Homestead protection shall terminate when the property is sold or upon the death of the declarant.

CHAPTER 604

REVERSE MORTGAGE LOANS

Authorizes state-chartered banks and credit unions, as well as all non-bank mortgage lenders in Massachusetts, to make reverse mortgages.

CHAPTER 614

REGULATING ELIGIBILITY OF THE ELDERLY FOR PUBLIC ASSISTANCE

Provides that all proceeds from reverse mortgage loans held by or available to persons sixty years or older shall not be taken into consideration in determining eligibility for, or the amount of payment from, any medical or other public assistance program or any state or federal low interest loan or grant, unless such proceeds have become countable resources. The legislation is intended to allow reverse mortgage loans to be made without jeopardizing the receipt of such assistance, loan or grant by an elderly mortgagor.

CHAPTER 671

SINGLE ROOM OCCUPANCY UNITS

Over the next 18 months this law will set in place a procedure for protecting single room units which are the least expensive housing available on the private market. S.R.O. tenants are disproportionately elderly, very poor and non-transient.

ELECTIONS

CHAPTER 194

VOTER REGISTRATION FOR NEW CITIZENS

Allows new citizens whose naturalization ceremony takes place between the final day for registration and an election day to still be permitted to register for that election.

CHAPTER 601

SUFFICIENT TIME FOR ABSENTEE VOTING

Changes the deadline for candidates filing nomination papers with the city or town clerk from 28 to 35 days preceding a regular or preliminary election. This earlier deadline is intended to allow the clerks additional time for the preparation of absentee ballots.

CHAPTER 676

EXTENDING THE TIME FOR UNENROLLED CANDIDATES FOR STATE OFFICE TO FILE NOMINATION PAPERS

Changes deadline for filing nomination papers by unenrolled candidates for statewide and congressional office from the first Tuesday in June to the last Tuesday in August. Previously, unenrolled candidates and party candidates for these offices had the same deadline, on the first Tuesday in June. This legislation follows a Supreme Court ruling, *Anderson v. Celebrezze*, 460 U.S. 780, 103 S. Ct. 1564, L.Ed. 2d, 547, which held that a state places burdens on the voter's freedom of choice and freedom of association when it establishes identical filing deadlines for party and independent candidates for federal office. Since independent candidates do not run in a party primary there is no need for their nomination papers to be required at the same time as those of party candidates. This affects unenrolled statewide candidates because if legal suits were brought on their behalf, the court would most likely uphold the precedent established for federal candidates.

ENVIRONMENT

CHAPTER 166

RECYCLING PLASTIC CONTAINERS

Requires every rigid or semi-rigid plastic bottle or container of more than 8 ounces that is imported to have a code imprinted or molded into it to indicate the type of resin used in its manufacture. Also, requires the Division of Waste Disposal to encourage the recycling of plastic bottles and containers. Effective July 1, 1991.

CHAPTER 429

PERMITTING THE SEIZURE OF MOTOR VEHICLES USED IN ILLEGAL DUMPING

Any individual who is caught using a motor vehicle to illegally dump trash may have their vehicle seized until (1) fines are paid to the enforcing authorities, (2) illegally dumped material is removed and legally disposed of and (3) payment for reasonable towing and storage charges are made. If the vehicle is needed to dispose of the material then the person must post sufficient security to have the vehicle released. If the vehicle is not claimed by the owner within thirty days of seizure, the vehicle may be sold at auction.

CHAPTER 652

ESTABLISHING NATURE PRESERVES

Increases the state's ability to protect ecosystem diversity. This law establishes a management system for significant natural areas on land under the control of the Executive Office of Environmental Affairs. It allows the Commonwealth, with the help of an appointed nature preserve council, to designate certain lands of the Commonwealth as nature preserves. Nature preserve status requires that a management plan be developed and tailored to the needs of that site, and that the use of a nature preserve not be significantly altered without approval by the Department of Fisheries, Wildlife and Environmental Law Enforcement.

GOVERNMENT

CHAPTER 127

ELECTRICIANS LICENSE RENEWAL

Changes licensure cycle from two years to three years. The change is in keeping with changes in the electrical code and should enhance the efficiency of the Board of State Examiners of Electricians.

CHAPTER 619

OPERATION OF THE STATE LOTTERY

Allows the director of the Lottery Commission to reject an application for a license to sell lottery tickets if said person was convicted of a felony.

CHAPTER 674

LIQUOR PURCHASE IDENTIFICATION CARDS

Prohibits anyone who holds a valid drivers license issued by the Commonwealth or any other state from obtaining a liquor purchase identification card. Transfers administrative powers regarding the distribution of liquor purchase identification cards from the Registry of Motor Vehicles to the Alcoholic Beverage Control Commission.

GOVERNMENT MANAGEMENT

CHAPTER 173

CIVIL SERVICE EXAMINATIONS

Helps to reduce the administrative expense involved in the municipal civil service system by requiring clerks in cities and towns to post only five notices announcing civil service examinations. Prior to this change the law required that 25 notices be posted.

CHAPTER 419

WAGE REPORTING SYSTEM

Authorizes the Commissioner of Revenue to require employers having 2,500 or more employees and having the capability to file their quarterly wage reports on machine-readable magnetic tape to file such reports on tape.

CHAPTER 647

IMPROVING STATE AGENCY CONTROLS

Establishes a uniform system of financial controls within each state agency. It provides for an agency official to be responsible for documenting, recording and executing transactions. Sets specific immediate reporting procedures if a financial irregularity is found.

HANDICAPPED HOUSING

CHAPTER 722

HOUSING FOR DISABLED PERSONS

Creates a "housing bill of rights" for disabled persons. Assures that decent, affordable and accessible housing will be a right of all persons. It bans discrimination against the disabled, it provides for civil penalties up to \$50,000 for repeated violations of the law, it requires a landlord to make reasonable modifications to a dwelling.

HEALTH

CHAPTER 155

REQUIRING DISCLOSURES TO MATERNITY PATIENTS

Expands the Disclosure Law to include such additional statistics as a hospital's annual rate of total caesarean sections and annual percentage of deliveries by certified nurse midwives.

CHAPTER 304

EXPANDS ROLE OF CERTIFIED CLINICAL SPECIALISTS

Grants certified psychiatric and mental health clinical specialists limited hospital admitting privileges. Following admission, each case would be re-evaluated by a physician.

CHAPTER 337

PROVIDING FOR A REDUCTION IN HEALTH CARE COSTS

Codified an existing cooperative agreement between private psychiatric hospitals and the Department of Mental Health under which the state pays the Medicaid percentage of charges and receives a 50% federal financial participation for DMH clients placed in private psychiatric hospitals.

CHAPTER 405

REGULATING EMERGENCY VEHICLES

Stipulates that parents be able to accompany their injured or sick child when they are being transported by an emergency vehicle to a health care facility.

CHAPTER 569

REGULATING CLINICAL LABORATORIES

Exempts providers of health promotion screening programs from Department of Public Health licensure - thus allowing for such invasive testing as cholesterol screening.

INSURANCE

CHAPTER 170

INFERTILITY BENEFITS

This law restricts the definition of infertility and thus provides insurance benefits to those in this classification.

CHAPTER 271

MEDICAL BENEFITS CANNOT BE TERMINATED

Provides that no medical benefit for medical or health services shall be terminated or denied as not medically necessary unless such claim has been deemed not medically necessary by a licensed professional in the same medical or health specialty as the licensed professional who rendered said medical or health benefit. Applies only to personal injury protection benefits (PIP).

CHAPTER 657

MALPRACTICE INSURANCE

Enhances the current approach to malpractice risk management and loss control by authorizing malpractice insurers to develop programs that identify physicians with a high risk for malpractice claims and adopt corrective steps that reduce their likelihood of incurring future claims.

CHAPTER 721

CHILDREN'S EARLY INTERVENTION COVERAGE

Requires insurers and H.M.O.'s to include coverage of early intervention services for children from birth until three years of age. Early intervention services shall include occupational, physical and speech therapists, nurses, psychologists and social workers in programs approved by the D.P.H.

MISCELLANEOUS

CHAPTER 19

EMPLOYMENT SECURITY LAW

Establishes a re-employment and job placement fund. The purpose of the fund is to provide claimants with intensive individualized re-employment services.

CHAPTER 86

ENERGY FACILITIES SITING COUNCIL

Changes the current law so as to include all developers of major energy facilities under the jurisdiction of the Council. It will end jurisdictional disputes and delays.

CHAPTER 114

EMERGENCY VEHICLES

Prohibits motor vehicles from following within 300 feet of police, ambulance or disaster vehicles which are responding to an emergency call.

CHAPTER 120

HOSPITAL STAFF MEMBERSHIP

Allows licensed social workers to obtain clinical privileges in hospitals. The hospital will establish the criteria and procedures for the granting of such staff privileges.

CHAPTER 314

MUTUAL AID AMONG UTILITIES IN ORDER TO PROVIDE EMERGENCY ASSISTANCE

Authorizes the establishment and operation of a comprehensive emergency assistance program for electric utilities in Massachusetts by facilitating the restoration of electric service if it is interrupted during an emergency. Enables electric utilities to complete emergency repairs efficiently to ensure the safety of the public and utility employees responding to such emergency.

CHAPTER 339

GUN LICENSE CHANGE OF ADDRESS

Establishes a more reasonable length of time to notify authorities of a change of address. Cardholders will now have 30 days to notify the authorities.

CHAPTER 408

PURCHASES OF FIREARMS AND AMMUNITION

Authorizes a citizen issued a gun license to purchase long guns or ammunition without need of a hunting license.

CHAPTER 516

MAKING IT UNLAWFUL TO DISCRIMINATE ON THE BASIS OF SEXUAL ORIENTATION

Enables the Massachusetts Committee Against Discrimination to investigate complaints of alleged discrimination on the basis of sexual orientation in the areas of employment, credit and housing accommodations.

CHAPTER 711

JUSTICES OF THE PEACE

Raises the fees that Justices of the Peace may charge to \$45 for a marriage within his community and \$60 outside his community.

PUBLIC SAFETY

CHAPTER 201

ELEVATOR REPAIRS AND LICENSING

Requires that anyone who does any kind of work on an elevator be licensed. Prior to this change the license requirement did not apply to persons replacing fuses, oiling, greasing or making minor repairs in connection with the maintenance of elevators.

CHAPTER 306

AUTOMATIC SPRINKLERS

Requires every building or structure more than 70' in height and built prior to 1975 to be protected by an automatic sprinkler system.

CHAPTER 330

SPRINKLERS IN BOARDING HOUSES

This local option law requires the installation of sprinklers in boarding houses with six or more units.

CHAPTER 416

AUTOMATIC SPRINKLERS

Provides at local option that every building of more than 7,500 gross square feet or every addition of 7,500 gross square feet to be protected with an automatic sprinkler system.

CHAPTER 527

SMOKE DETECTORS

Mandates the installation of smoke detectors in three to five unit residential buildings; apartment houses, hotels and lodging houses with six or more dwelling units.

CHAPTER 642

AUTOMATIC SPRINKLERS IN RESIDENTIAL BUILDINGS

This local option law requires all newly constructed buildings and structures containing 4 or more dwellings and used for residential purposes, to be equipped with an automatic sprinkler system. Dwellings covered include but are not limited to lodging, boarding houses, fraternities, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences.

CHAPTER 681

REGULATING JET SKIS

Restricts the operation of jet skis, surf jets, and wetbikes in the following manner:

No one under the age of sixteen is allowed to operate such a device on the state's waters;

The crafts are prohibited from use on lakes and ponds of 75 acres or less in size unless the local governing body of the community in which the lake or pond is located approves such use;

The crafts cannot be operated at greater than headway speed within 150 feet of a swimmer, the shore, or a moored vessel;

Operators can use the crafts only during daylight hours; and

Craft operators are required to wear an approved personal flotation device.

Authorizes and directs the Division of Law Enforcement within the Department of Fisheries and Wildlife to establish a safety program for the proper operation of jet skis. All operators under the age of eighteen would be required to participate in the program.

TAXATION

CHAPTER 439

REGULATING THE DISCLOSURE OF TAX INFORMATION

With the increased powers for collecting delinquent taxes granted to the Commissioner of Revenue in 1983, concerns were raised as to the use of necessary tax return information in sundry collection activities that may not in the technical sense be "proceedings" to collect a tax.

Chapter 439 allows the Commissioner's authority to use such information to be extended to "proceedings and other activities" to determine or collect a tax.

Prior to this act the Commissioner of Revenue, upon request, may disclose whether or not an individual has filed an individual tax return for the current or any prior year. Chapter 439 extends this allowed disclosure to all taxes so that the public may discover whether or not any taxpayer has filed a return for any designated tax.

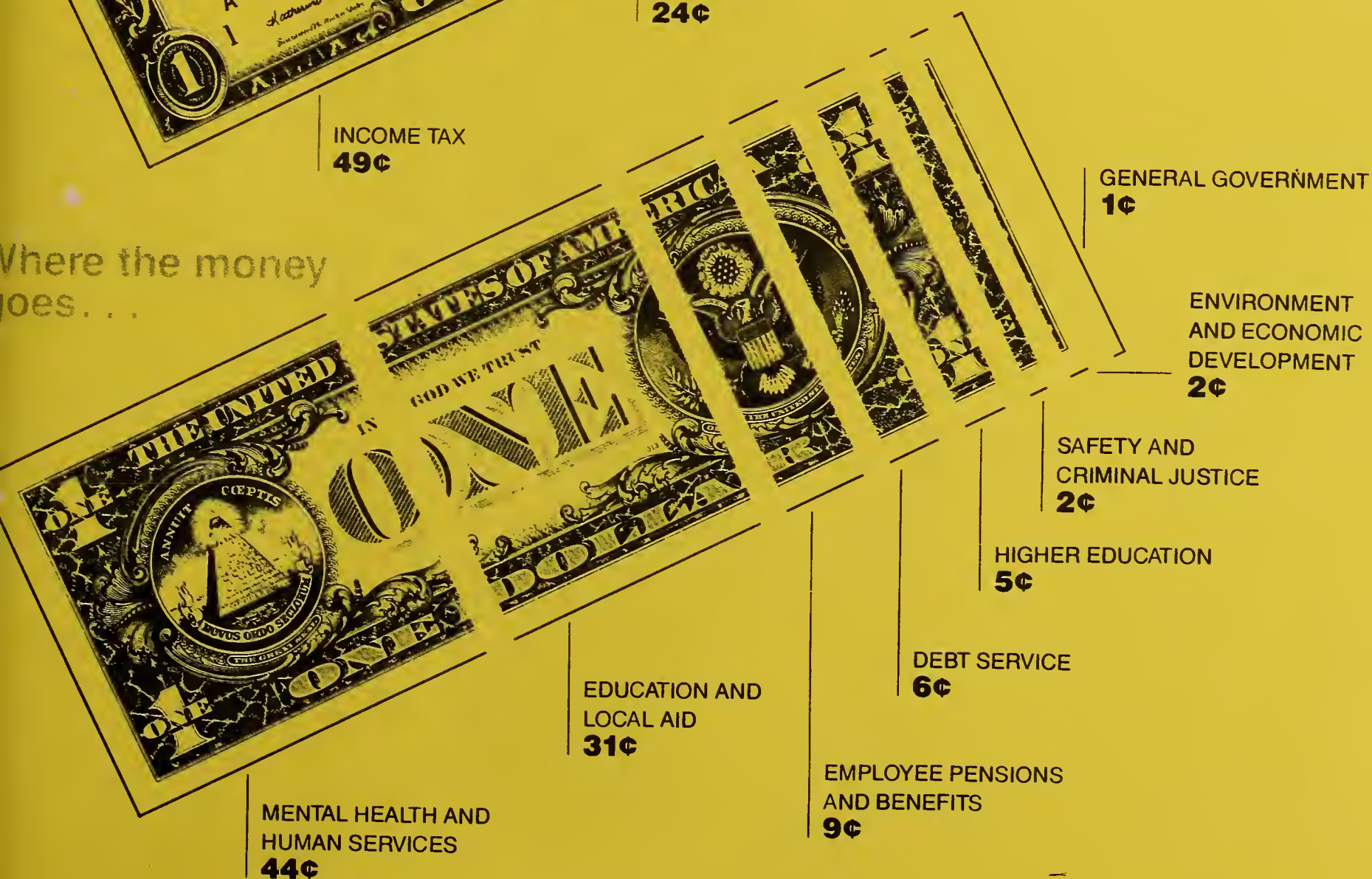
This law specifically sets forth the confidentiality of internal standards data and criteria used by the Department of Revenue in the conduct of its audit and compliance activities.

Your State Tax Dollar

Where the money comes from . . .



Where the money goes . . .



Sources: Massachusetts Department of Revenue, Fiscal 1989;
Budget Bureau, Fiscal 1990.

ACME
BOOKBINDING CO., INC.

JAN 5 1992

100 CAMBRIDGE STREET
CHARLESTOWN, MASS

